

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

DOCKET FILE COPY ORIGINAL

Revision of
Filing Requirements

CC Docket No. 96-23

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS

U S WEST Communications, Inc. ("U S WEST") herein provides reply comments in the above-captioned action.¹ Fifteen parties filed comments in this proceeding;² none opposed the Federal Communications Commission's ("Commission") proposed reporting changes. Parties generally supported the Commission's specific proposals to eliminate unnecessary and duplicative reporting requirements and reduce the filing frequency of other reports. Since there were no oppositions to the reporting modifications proposed in the NPRM, the Commission, at a minimum, should move to adopt those modifications as detailed.

Many parties, including U S WEST, also called upon the Commission to eliminate or reduce the filing frequency of other unnecessary and non-essential re-

¹ In the Matter of Revision of Filing Requirements, CC Docket No. 96-23, Notice of Proposed Rule-making, FCC 96-64, rel. Feb. 27, 1996 ("NPRM").

² Comments were filed on Apr. 8, 1996 by ALLTEL Telephone Services Corporation; AT&T Corp. ("AT&T"); The Bell Atlantic Telephone Companies ("Bell Atlantic"); BellSouth Corporation and BellSouth Telecommunications, Inc. ("BellSouth"); Cincinnati Bell Telephone Company ("Cincinnati Bell"); The Competitive Telecommunications Association ("CompTel"); GTE Service Corporation and its affiliated domestic telephone operating companies ("GTE"); Iowa Network Services, Inc.; National Exchange Carrier Association, Inc.; NYNEX Telephone Companies ("NYNEX"); Pacific Bell and Nevada Bell ("Pacific Bell"); Southwestern Bell Telephone Company ("Southwestern Bell"); Sprint Corporation ("Sprint"); United States Telephone Association ("USTA"); U S WEST.

ports, and the public interest would be well-served by a careful review of all such proposals.³ U S WEST supports most of the proposals made by other commenting parties and urges the Commission to adopt all of the proposals which are consistent with the objectives of this proceeding and the public interest goal of eliminating unnecessary and overly burdensome regulation.

U S WEST does not, however, support all of the proposals made by commenting parties. U S WEST opposes CompTel's proposal to require the filing of all Bell Operating Companies' ("BOC") affiliate billing and collection contracts.⁴ This proposal is outside the scope of this proceeding and is in direct conflict with its regulatory reform objectives. It is also a waste of precious resources, waste which neither the industry nor the Commission can afford. The Commission should move forward consistent with the dynamics of an increasingly competitive marketplace instead of going backward by increasing regulatory burdens. Those that suggest additional regulation of their potential competitors are only seeking to gain Commission-sanctioned advantages unwarranted by the market and legitimate public policy needs. The Commission must recognize and reject all such attempts in this and similar proceedings.

Finally, U S WEST again proposes that the Commission attach sunset provisions on all future reporting requirements. It is imperative, going forward, that unnecessary and non-essential reporting requirements be allowed to expire without

³ See, e.g., U S WEST at 10-19; AT&T at 6-7; GTE at 4-6; NYNEX at 2-3.

⁴ CompTel at 2-4.

lengthy proceedings. No resources in a competitive environment are expendable. The Commission must adopt a targeted approach to regulation consistent with the evolving marketplace, an approach which should include reduced reporting requirements with date-certain expirations.

I. **U S WEST SUPPORTS PARTIES' PROPOSALS TO ELIMINATE ADDITIONAL UNNECESSARY AND DUPLICATIVE REPORTING REQUIREMENTS AND/OR REDUCE THEIR FILING FREQUENCY**

In the NPRM, the Commission proposed to reduce the filing frequency from quarterly to annually for the New Services Tracking Report.⁵ U S WEST supported the Commission's proposal. Other commenting parties propose the elimination of this report as duplicative of what is filed in local exchange carrier ("LEC") annual access tariff filings.⁶ U S WEST would also recommend the elimination of this report. Parties have shown that the information contained in this report is already provided as LECs identify new services in their annual filings. GTE correctly points out that demand results can be reviewed by the Commission from the data submitted in tariff review plans or workpapers.⁷ Thus, it appears from the evidence that this report is, in fact, redundant and should be eliminated.

Southwestern Bell has recommended the elimination of the Fiber Deployment Survey performed annually by the Commission.⁸ As Southwestern Bell points

⁵ NPRM ¶ 18.

⁶ Bell Atlantic at 4-5; GTE at 4-5; Pacific Bell at 4-5; Sprint at 3; Southwestern Bell at 5-6; USTA at 2.

⁷ GTE at 5.

⁸ Southwestern Bell at 6 n.15.

out, much of the data requested is redundant with that included in other infrastructure reports (e.g., ARMIS 43-07 and 43-08). Commission and LEC resources would be conserved by the elimination of this report or its consolidation into other reports. The Commission should carefully consider this and all infrastructure reports to determine whether the information contained in the Fiber Deployment Survey is still necessary and/or whether additional efficiencies might be gained through the combination of one or more reports.

Bell Atlantic proposes the elimination of the Installation/Service Interval reporting requirement, noting that in a competitive environment “the intervals between ordering and provision of service to the customer should be a selling point of service and, often, subject to negotiation between the carrier and the customer.”⁹ It goes on to conclude that “[t]here is no need for regulation, or advanced notice, of interval changes, and the notification obligation should be stricken.”¹⁰ U S WEST supports Bell Atlantic’s position. U S WEST currently publishes a service interval guide and provides that information directly to customers. Filing the same information with the Commission is unnecessary and redundant, and this filing requirement can certainly be eliminated.

Various parties have also supported the elimination or consolidation of ARMIS reporting requirements.¹¹ While U S WEST did not advocate the elimina-

⁹ Bell Atlantic at 9.

¹⁰ Id.

¹¹ See, e.g., Bell Atlantic at 6-7; BellSouth at 5-6; Pacific Bell at 5.

tion of specific ARMIS reports in its comments,¹² it urges the Commission to undertake a comprehensive review of the necessity of each of these reports. Elimination or consolidation of carrier reporting requirements, where possible, will ensure that Commission and LEC resources are put to the most efficient and best possible use.

II. OTHER PARTIES ALSO SUPPORT THE ELIMINATION OR MODIFICATION OF CURRENT ONA REPORTING REQUIREMENTS

In its comments, U S WEST proposed the elimination or modification of a number of Open Network Architecture ("ONA")- related reports.¹³ Other parties proposed similar modifications to ONA filing requirements.¹⁴ As noted by Pacific Bell, "ONA deployment has progressed significantly since reporting requirements were established."¹⁵ These parties acknowledge, as did U S WEST in its comments, that the Information Industry Liaison Committee will continue to exist and can provide any required information to the Commission and enhanced service providers. The issues which existed at the time of ONA implementation have now been adequately addressed and monitored, and many ONA reporting requirements are now passé. The Commission should modify the ONA reporting requirements consistent with the proposals by U S WEST and other parties in this proceeding.¹⁶

¹² U S WEST did, however, advocate that all ARMIS reports be filed annually, consistent with the express provisions of the Telecommunications Act of 1996. U S WEST at 11.

¹³ Id. at 11-18.

¹⁴ Bell Atlantic at 7-8; NYNEX at 4; Pacific Bell at 4.

¹⁵ Pacific Bell at 4-5.

¹⁶ As a procedural change, U S WEST requests that the Commission revise its current requirement for the provision of ONA reports on 5-1/4" diskettes to also allow the use of 3-1/2" diskettes. As the

**III. U S WEST OPPOSES COMPTTEL'S RECOMMENDATION
THAT THE BOCs BE REQUIRED TO FILE ALL
AFFILIATE BILLING AND COLLECTION CONTRACTS**

Finally, U S WEST opposes CompTel's ill-advised recommendation that BOCs be required to file copies of affiliate billing and collection contracts.¹⁷ As noted by the Commission, and supported by the filings of U S WEST and other parties to this proceeding, billing and collection is no longer a monopoly service offered by the BOCs. Many parties, including most large interexchange carriers ("IXC"), now either self-provide or use competitive services for these purposes. This trend is likely to accelerate in the future as competition in both the local and long-distance markets increases. There is no longer a need to provide IXCs, such as CompTel, with "reasonable comfort that they are not discriminated *vis-à-vis* BOCs' affiliates."¹⁸ Such concerns in a competitive market where multiple service providers exist are irrational and unwarranted. The marketplace will control the provision of services and their associated rates. Comfort can be found in the fact that customers have a choice of service providers. To the extent that carriers are not satisfied with either the rates or services provided by the BOCs, they have alternatives, including self-provisioning, which can eliminate such concerns.

computer industry standard for floppy disks has shifted to 3-1/2", U S WEST is finding it increasingly difficult to provide the 5-1/4" diskettes.

¹⁷ CompTel at 2-3.

¹⁸ Id. at 3.

Additionally, the Commission should not impose any reporting requirements solely on the BOCs in a competitive service environment. To do so would displace normal market functions and balances. To the extent that information is required by the Commission for competitive offerings, all service providers should be required to file the same information. By imposing identical requirements, no one company is disadvantaged by having to provide competitively sensitive information when its competitors are not required to do the same. Those parties which suggest additional regulation or reporting requirements be imposed on their potential competitors are only seeking to gain Commission-sanctioned advantages unwarranted by the market and by legitimate public policy goals. The Commission should endeavor to ferret out such requests and reject them out of hand.

IV. CONCLUSION


U S WEST and other parties have supplied the Commission with sufficient grounds for moving forward to eliminate or modify a substantial number of existing reporting requirements. The Commission should move quickly to act on its own proposals and the additional proposals of commenting parties. It is in all parties' best interests that all unnecessary and non-essential reporting requirements be eliminated. Going forward, the Commission should also eliminate the need for proceedings such as this one by attaching sunset provisions to all future reporting

requirements. The telecommunications marketplace of the future requires innovative and targeted regulation applied equally to all competitors.

Respectfully submitted,

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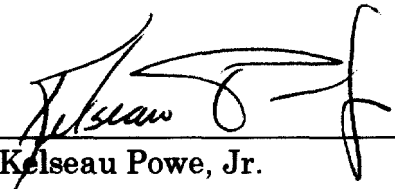
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April 23, 1996

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 23rd day of April, 1996, I have caused a copy of the foregoing **REPLY COMMENTS** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.



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(CC9623b.COS/GC/1h)

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